

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

REPUBLIC TECHNOLOGIES (NA), LLC
and REPUBLIC TOBACCO, L.P.,

Plaintiffs,

VS.

BBK TOBACCO & FOODS, LLP d/b/a HBI
INTERNATIONAL,

Defendant,

Case No. 16-cv-03401

BBK TOBACCO & FOODS, LLP d/b/a HBI
INTERNATIONAL,

Judge Thomas M. Durkin

Magistrate Judge Sunil R. Harjani

Counter-Plaintiff,

VS.

REPUBLIC TECHNOLOGIES (NA), LLC,
REPUBLIC TOBACCO, L.P., and
VANILLA LA GROUP, INC.

Counter-Defendants.

BBK TOBACCO & FOODS. LLP D/B/A HBI INTERNATIONAL'S
MOTION FOR JUDGMENT AS A MATTER OF LAW

Pursuant to Federal Rule of Civil Procedure 50(a), BBK Tobacco & Foods, LLP d/b/a HBI International (“HBI”) hereby moves for judgment as a matter of law in its favor on the remaining claims asserted against HBI in Counts III, IV, and V of Plaintiffs Republic Technologies (NA), LLC’s and Republic Tobacco, L.P.’s (together, “Republic’s”) Second Amended Complaint.

Dismissal is proper for the reasons set forth in the memorandum of law filed concurrently herewith. Specifically, a reasonable jury would not have a legally sufficient evidentiary basis to

find for Republic on any of its 27 false advertising claims. Accordingly, HBI respectfully requests that the Court enter judgment in its favor.

Dated: June 15, 2021

BBK TOBACCO & FOODS, LLC
d/b/a HBI INTERNATIONAL

By: /s/ David S. Becker
One of its attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of June, 2021, that the above and foregoing **HBI'S Motion for Judgment as a Matter of Law** was filed electronically with the Clerk of the Court using the CM/ECF system, which sent notification to all ECF registrants that are counsel of record for this matter.

By: /s/ David S. Becker